AUSA KRA

FILED

08 AUG -1 AM 11:33

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY: ECL DEPUTY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. Wilmer TOLEDO-Ventura, Defendant.	Mag. Case No. '08 MJ 2384 COMPLAINT FOR VIOLATION OF Title 8, U.S.C., Section 1326 Attempted Entry After Deportation

The undersigned complainant being duly sworn states:

On or about July 30, 2008, within the Southern District of California, defendant Wilmer TOLEDO-Ventura, an alien, knowingly and intentionally attempted to enter the United States of America with the purpose, i.e. conscious desire, to enter the United States without the express consent of the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, after having been previously excluded, deported or removed from the United States to Honduras, and not having obtained said express consent to reapply for admission thereto; and committed an overt act, to wit, crossing the border from Mexico into the United States, that was a substantial step towards committing the offense, all in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

Senior Border Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 31st DAY OF JULY 2008.

JAN M. ADLER
U.S. MAGISTRATE JUDGE

DOA 7/30/08 ECL

AUSA KKW

UNITED STATES OF AMERICA

v.

Wilmer TOLEDO-Ventura

STATEMENT OF FACTS

The complainant states this complaint is based upon the investigative reports that the Defendant, Daniel MUNOZ-Alvarez a citizen of Mexico, was found and arrested on July 05, 2008, approximately 3 miles west of the Calexico, California west Port of Entry.

Border Patrol Agent J. Mide encountered Wilmer TOLEDO-Ventura after having crossed the International Boundary with Mexico into the United States. As Agent Mide approached TOLEDO, he identified himself and questioned TOLEDO. It was determined TOLEDO is a citizen of Honduras illegally in the United States. TOLEDO was placed under arrest.

At the Station an investigation of records revealed TOLEDO was previously removed from the United States on or about March 24, 1998. Also revealed was TOLEDO is currently on Supervised Release until April 4, 2009. Further records check revealed TOLEDO has a criminal record.

TOLEDO was found in the United States and a review of the records checks of TOLEDO revealed no evidence of having ever sought or received permission from the Attorney General of the United States or the Secretary of the Department of Homeland Security to re-enter the United States after being removed.